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Reagan Forces Attack Public's Right to Know

Ronald Reagan came to power promising to "get the government off our backs." Yet even before he was sworn in as president, some of his stalwarts began doing the opposite. They would like to get the people off the government's back.

The most fundamental right of the citizenry is the right to know what their government is doing. The people must have this information if they are to judge the efficacy of their rulers and whether the truth is in them.

To bolster this right, the Freedom of Information Act was passed in 1966 to open the blinds on needless government secrecy. But those who dread the sunshine that the FOIA let in are trying to nail the shutters closed again.

They want to hide the extent to which the government is riding on our backs. Apparently, they feel that what we don't know won't hurt them.

The fear of public disclosure harbored by some Reagan underlings was spelled out — secretly, of course — before the inauguration. Only days after the election, Peter McPherson, general counsel of the

Reagan transition team, issued instructions to the staff on how to keep their work safe from the Freedom of Information Act.

Before the inauguration, the trick was to take advantage of the transition team's unofficial status. The office of the president-elect, McPherson advised, was exempt from the FOIA. The staff was told "how to keep transition documents from becoming mingled with official government documents and thus subject to FOIA."

After the inauguration, documents that transition team members wanted sheltered from the FOIA should be marked "personal and confidential" and kept within the personal files of the individual using them, McPherson explained.

The secret McPherson memo was just the opening volley in what has become a concerted assault on the public's right to know what's going on in government. Some later salvos:

- A bill introduced by Sen. Alfonse D'Amato (R-N.Y.) and co-sponsored by 17 colleagues would add new exemptions to those the CIA already can invoke to conceal its shenanigans. What's more, the bill would eliminate the public's right to appeal to the courts if records are denied, except in the narrow case of individual personnel files.

Former representative John Moss (D-Calif.), one of the FOIA's strongest supporters, considers the right

of judicial review essential to the purpose of the act, a club without which FOIA requests can be brushed off by the bureaucrats with impunity. Relieved of the threat of an appeal to the courts, agencies would withhold information "to avoid embarrassing disclosure, rather than for bona fide security needs," Moss said.

- Legislation introduced by Sen. Orrin G. Hatch (R-Utah) would curb access to information on law enforcement operations, yet would allow a prospective employer to rummage through a job applicant's confidential government files.

The legislation would also prohibit disclosure of files on organized crime or "any conspiratorial activity specified by the attorney general." Such authority would have allowed John Mitchell to bottle up the very Watergate conspiracy of which he was eventually convicted!

- A bill co-sponsored by Sens. John H. Chafee (R-R.I.) and Barry Goldwater (R-Ariz.) would exempt the CIA entirely from third-party information requests, allowing FOIA applications only from individuals seeking information on themselves.

- A bill introduced by Sen. Robert J. Dole (R-Kan.) would define proprietary information — business or trade secrets — as that "which would not customarily be disclosed to the public," and would allow the corporations that submit the information to be the sole judges of what should be made public.